

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Civil Action No. 1:09-CV-646**

HOWARD L. KASTEL TRUSTEE
of the HOWARD L. KASTEL
TRUST DATED NOVEMBER 13, 1985 and
JOAN H. KASTEL,

Plaintiffs,

v.

NUVEEN INVESTMENTS, INC, ROBERT P.
BREMNER, MESIROW FINANCIAL INC.,
DUETSCHKE BANK AG, MERRILL LYNCH &
Co., INC. and CITIGROUP GLOBAL
MARKETS,

Defendants.

**DEFENDANT
MERRILL LYNCH & CO., INC.'S
MOTION TO LIFT THE STAY OF
ALL PROCEEDINGS PENDING
THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION'S
RULING ON THE TRANSFER OF
THIS CASE TO MDL 2030
AS A TAG-ALONG ACTION**

Defendants Merrill Lynch and Co., Inc. and Merrill Lynch, Pierce, Fenner & Smith Incorporated (collectively, "**Merrill Lynch**"), by its undersigned counsel, respectfully moves pursuant to Rule 7.3 of the Local Rules of this Court for an order lifting the stay of all of the proceedings in this case pending the Judicial Panel on Multidistrict Litigation's ruling on the transfer of this matter to MDL 2030. A proposed order is attached as Exhibit "A" hereto.

Respectfully submitted,

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ATTORNEYS for DEFENDANTS
MERRILL LYNCH & CO. INC. and
CITIGROUP GLOBAL MARKETS

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of June 2010, I caused a true and correct copy of the **MERRILL LYNCH & CO., INC.'S MOTION TO LIFT THE STAY ALL PROCEEDINGS PENDING TAG-ALONG DECISION BY THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**, to be electronically filed with the clerk of the court for the United States District Court for the Middle District of North Carolina and served on all of the parties to this litigation using the CM/ECF System:

/s/ Dana C. Lumsden
Dana C. Lumsden, Esq.